

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services-Treasuries & Accounts Department- Nellore District-Disciplinary Action against Sri V.Kotaiah, formerly Senior Accountant, presently STO (Retd), Penalty of Withholding 5% Cut in his Pension for a Period of (1) Year-Final Orders-Issued.

FINANCE (ADMN-III) DEPARTMENT

G.O.Rt.No. 2011

Dated:18-04-2009

Read the following:

- 1.Lr.No.167/RCO-NNL/97, dt.06-05-2000 from the DG, ACB, Hyderabad.
- 2.Charge.Memo.No.K1/20288/2000, dtd.7-12-01 of the DTA, Hyderabad
Issued to Sri V.Kotaiah, STO.
- 3.Written statement of defence of Sri V.Kotaiah, STO. Dated.31-12-2001
the Charge Memo.
4. G.O.Rt.No.3937, dtd.2-11-2005 of Fin (Admn-III) Department.
5. Letter.No.516/COI-SSN/A1/2005, dtd.23-12-2006 of GA (COI) Dept.
- 6.Govt.Memo.No.5646/130/A1/Admn-III/2001, Dated:05-05-2007.
- 7.Representation of Sri V.Kotaiah, STO(Retd), dt.13-6-2007.
- 8.Govt.Memo.No.5646-G/130/A1/Admn-III/2005, dated.04-04-2008.
Finance (Admn-III) Department to Final Show Cause Notice.
- 9.Representation dtd.11-05-2008 of Sri V.Kotaiah, STO (Retd)
- 10.From A.P.P.S.C. Lr.No.1420/RT-I/2/2008, dated.17-01-2009.

ORDER:

In the reference 2nd read above, the following charges were framed against Sri V.Kotaiah, formerly Senior Accountant, while working at Sub Treasury, Vakadu, Nellore District, in connection with the corruption and dereliction of duties leading to misappropriation of Govt. funds in B.C. Boys Ashram School Hostel, Ramatheertham, Nellore District.

Charge:-I:

“Sri V.Kotaiah while working as U.D. Accountant in the office of the District B.C.Welfare Officer, Nellore colluded with Sri A.Subba Rao, Warden, B.C. Boys Hostel, Chittamur, Nellore District, prepared pass orders to the bill submitted by Sri A.Subba Rao, Warden though there was no budget and submitted the same to B.C.Welfare Officer, Nellore who signed on the bill. He failed to spot out the irregularity and further prepared pass order to the bill for an amount of Rs.35,532/- towards the house rent of the Hostel building. Thus, he failed to maintain absolute integrity, devotion to duty and shown conduct unbecoming of a Member of service

and thereby contravened Rule.3(1) and (2) of A.P.Civil Services (Conduct) Rules, 1964”.

Charge:-II:

“Sri V.Kotaiah while working as U.D. Accountant in the office of the District B.C.Welfare Officer, Nellore did not educate the warden regarding maintenance of Treasury Bill Register, cash book and other records and he himself wrote Treasury Bill Register and Cash Book in a manner to avoid detection of misconduct and caused misappropriation of Government funds by Sri A.Subba Rao, formerly warden, B.C.Boys Hostel, Chittamur. Thus he failed to maintain absolute integrity, devotion to duty and shown conduct unbecoming of a Member of service and thereby contravened Rule.3(1) and (2) of A.P. Civil Services (Conduct) Rules, 1964”.

2. In the reference 3rd read above, in his Written Statement of Defence he denied the charges framed against him and stated that the bill claimed by the warden was processed by him and was put up for the signature of the Dist. B.C. Welfare Officer at his request in anticipation of the receipt of budget from the Director of B.C. Welfare, A.P., Hyderabad and that he simply obeyed the instructions of the Drawing Officer/ Head of Office and he processed the bill behest of the B.B.C.W.O. for which he cannot be made responsible under any circumstances. No office order was issued to him to educate the wardens on the maintenance of Treasury Bills Book, Cash Book and cash records and in the absence of any such order, he was not supposed to educate the wardens on any matter, and this task was within the sphere of the executive authorities, but not on a small ministerial employee like him. While stating that he did not touch the Treasury Bills Book and Cash Book of the Warden, B.C. Boys Hostel, Chittamur, he contended that the relevant records should have been verified before issuing the article of charge.

3. Not satisfied with written statement of defence, the matter was entrusted to COI vide G.O. 4th read above, for regular enquiry under Rule 20 of APSCS (CCA) Rules. The Member, Commissionerate of Enquiry has submitted his report vide reference 5th cited, in respect of Sri V.Kotaiah, formerly Senior Accountant, Sub Treasury, Vakadu, Nellore District.

4. In the reference 6th read above, the Charged Officer was supplied with E.O's report and was given opportunity under Rule 21 of APSCS (CC&A) Rules, 1991 for further representation on the Enquiry report.

5. In the reference 7th read above, the individual submitted his representation to the Enquiry Report, wherein he stated that he never colluded with Sri A.Subba Rao, Warden, B.C. Boys Hostel, Chittamur for preparing a pass order to the bill for submission to B.C. Welfare Officer, Nellore for signature. Sri A.Subba Rao, warden, B.C. Boys hostel, Chittamur is one among the wardens of 75 Hostels in the District. He has no necessity to show favour in the case of Sri A.Subba Rao. Further one rent sanction order bearing Rc.No.B1/157/92, dt.17-7-1993 issued by the Deputy Director, S.W. Nellore with the

prior note approval of the Dist. Collector, Nellore and with the rent fixation statement of the E.E., R & B Gudur was received in the B.C. Welfare Office, Nellore and a copy was served to him from the establishment section. In the above sanction order an amount of Rs.756-00 per month being the rent payable for the period from 1-8-1998 to 31-3-1999. The warden of the B.C. Boys Hostel, Chittamur, presented one rent bill for Rs.35532-00 being the amount payable towards House rent of the Hostel Building due for period of 47 months (from 1-8-89 to 30-6-93) when the bill was received the Dist. B.C. Welfare Officer instructed him to append pass order to the above said bill and the Budget will be communicated later, as the Dist. Collector, Nellore insisted for the clearance of the rent dues to the owner of the building to avoid legal complications. At the time of Distribution of Budget, he brought to the notice of the Dist. B.C. Welfare Officer, Nellore regarding the release of rent budget for the above bill which was already drawn. He ignored his plea and he said, the distribution can be made later on from the Supplementary Budget. But the office superintendent and the Dist. B.C. Welfare Officer did not make any efforts for the distribution of budget of Rs.35532/- in the supplementary allotment received from the Commissioner, B.C. Welfare, Hyderabad. He has stated that the witness No.4 also accepted that he had not colluded with the warden of the Hostel for payment of rent. Being the Treasury person on deputation to the B.C. Welfare Office, Nellore, he had no individual powers but obeyed the instructions of the B.C. Welfare Office. He retired from service as STO, District Treasury Office, Guntur on the AN of 31-3-2006 and suffering from financial troubles due to non release of pensionary benefits.

6. After careful examination of the material i.e., Charge Memo, Written Statement of Defence, Enquiry Report, Representation of the Charged Officer on Enquiry Report, it is clear that he colluded with Sri A.Subba Rao, warden, B.C. Boys hostel, Chittamur, Nellore Dist., prepared pass orders to the bill, though there was no budget and submitted to the B.C. Welfare Officer, Nellore who signed on the bill. Thus he failed to point out the irregularity and instead prepared pass orders to the bill for an amount of Rs.35,532/- towards House rent of the Hostel Building and thus he failed to maintain absolute integrity, devotion to duty and acted in manner unbecoming a member of service and thereby contravened Rule 3(1) and (2) of APSCS (Conduct) Rules, 1964. Government have therefore provisionally decided to impose the punishment of 5% cut in his pension for a period of (1) year on Sri V.Kotaiah, formerly Senior Accountant, presently STO (Retd), and accordingly final Show Cause Notice was issued to the individual under Rule 9 of A.P. Revised pension Rules, 1980 vide reference 8th read above.

7. In the reference 9th read above, he has submitted his representation in which he has not raised any new points/ or new grounds and he has reiterated his earlier explanation. In the reference 10th read above, the Commission agreed with the proposal of the Government, to impose the punishment of 5% cut in pension for a period of one year against Sri V.Kotaiah, formerly Senior Accountant, presently STO (Retd), and advised accordingly.

8. After careful examination of the matter, in exercise of the powers conferred under Rule 9 of A.P.C.S. (CC&A) Rules, 1991 r/w Rule 9 of A.P. Revised Pension Rules, 1980, Government hereby order the punishment of withholding 5% cut in his Pension for a period of (1) year on Sri V.Kotaiah, formerly Senior Accountant, presently STO (Retd), Nellore District for the lapses mentioned in the Charge Memo. 1st read above.

9. The Director of Treasuries and Accounts, Hyderabad shall take necessary action accordingly and serve this order on the individual and send the duplicate copy with his acknowledgement to the Government, at the earliest.

10. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRDESH)

Dr. SAMEER SHARMA
SECRETARY TO GOVERNMENT (FP)

To
The individual
(through the DTA, Hyderabad.)
Copy to: The DTA, AP, Hyderabad.
The Accountant General, A.P., Hyderabad.
The Secretary, APPSC, Hyderabad.
The Director General, ACB, Hyderabad
The A.P. Vigilance Commission, Hyderabad
The GA (COI) Department

//FORWARDED:: BY ORDER//

SECTION OFFICER